

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**CHRISTOPHER BURNS, et al.,**

**Plaintiffs,**

**v.**

**FLYTE TYME WORLDWIDE, et al.,**

**Defendants.**

Civil Action No. 13-cv-04297

**ORDER**

AND NOW, on this 25<sup>th</sup> day of March, 2014<sup>5</sup>, upon consideration of the joint motion for preliminary approval of the class-wide settlement and its supporting papers, including but not limited to Plaintiff's Memorandum of Law, ~~and upon consideration of arguments provided by counsel during the in-person Preliminary Class and Settlement Approval Hearing held on \_\_\_\_\_, 2014~~, IT IS:

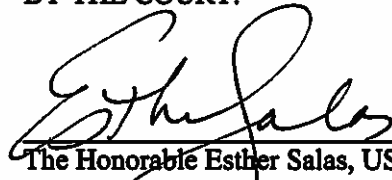
1. ORDERED that that the parties' class-wide settlement is preliminarily fair and reasonable (subject to further consideration at the Fairness Hearing) and all the terms of the Stipulation of Settlement, including but not limited to the proposed release by the Settlement Class, are preliminarily approved by this Court, including but not limited to the specific terms mentioned below;
2. ORDERED that, for settlement purposes only, the Court hereby certifies a Class pursuant to Fed. R. Civ. P. 23(a) and (b)(3), and 29 U.S.C. § 216(b), consisting of "All persons who worked as drivers for Flyte Tyme for at least one week during the period of July 12, 2010 to October 27, 2014";

3. ORDERED that Named Plaintiffs Christopher Burns, Arturo Torres, William Coffield, Mark Terry, Miguel Casanova, Ronald Lee, Reginald Hayes, and Dave Gardner are appointed as representatives of the Settlement Class;
4. ORDERED that Swartz Swidler, LLC is appointed as Class Counsel for the Settlement Class;
5. ORDERED that that the form and content of the Notice of Proposed Settlement and Fairness Hearing is adequate, proper, comports with Due Process and are hereby approved and shall be mailed in accordance with the procedures outlined in the Stipulation of Settlement to all class members and opt-in plaintiffs by no later than 30 days following the issuance of this Order and pursuant to the remaining terms outlined in the Stipulation of Settlement;
6. ORDERED that that Class members shall opt-out or lodge objections as set forth in the proposed notice and Stipulation of Settlement, and that Defendant shall have the option (at its sole discretion) to void this Stipulation of Settlement if a combined total of more than five percent (5%) of the Class Members request to be excluded from the Settlement Class;
7. ORDERED that a Final Settlement Fairness Hearing shall be held in Courtroom 5A at the United States District Court for the District of New Jersey, 50 Walnut Street, Newark, New Jersey on July 9, 2015, at 11:00 a.m./~~p.m.~~. All counsel must attend said hearing.

Counsel for the parties are hereby authorized to jointly use all reasonable procedures in connection with approval and administration of the settlement that are not materially inconsistent with this Order or the Settlement Agreement, including making, without further approval of the Court, minor changes to the form or content of the Notice, and other exhibits that they jointly agree are reasonable or necessary.

8. <sup>ORDERED that</sup> Counsel shall submit a motion for final approval and motion for attorneys fees and expenses no later than June 15, 2015.

BY THE COURT:

  
The Honorable Esther Salas, USDJ

Dated:

March 25, 2015